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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000967

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TAGS: [PGOV](#) [KDEM](#) [KCOR](#) [IZ](#)

SUBJECT: ANTI-CORRUPTION CONSULTATIONS IN DIYALA PROVINCE

REF: A. BAGHDAD 482

[1](#)B. BAGHDAD 845 AND PREVIOUS

[1](#)C. BAGHDAD 584

Classified By: Anti-Corruption Coordinator Joseph Stafford, reason 1.4  
(b and d)

#### SUMMARY

[1](#)1. (C) During a recent visit to Ba'aquba, capital of Diyala province, the Anti-Corruption Coordinator and staff (ACCO) attended a PRT/USAID-organized workshop for the recently elected provincial council members, giving a presentation on ways of combatting corruption at the provincial and local levels. ACCO's program also included meetings with provincial reps of national anti-corruption (AC) institutions, the Commission on Integrity (COI), Board of Supreme Audit (BSA), and Inspector General (IG) corps. The reps were reluctant to discuss details of corruption cases, but the COI rep, in particular, acknowledged the severity of Diyala's corruption problem. The province's senior judicial official, appellate court chief justice Jado'a, reported that the High Judicial Council had recently assigned an investigative judge on his staff to focus specifically on corruption cases. ACCO met with a group of local NGO reps, led by Noor Foundation rep Ahmed Jassim Mohammed, who impressed as an energetic advocate for AC efforts and good governance generally. The incoming provincial council members indicated a sincere interest in combatting corruption -- but it remains to be seen whether they will avoid overly focussing on alleged abuses by outgoing council members. ACCO is grateful to PRT Diyala for its excellent support of this visit. END SUMMARY.

#### OVERVIEW

[1](#)2. (C) ACCO visited Ba'aquba, the capital of Diyala province, March 30-April 2 to meet with recently elected provincial council officials and others on corruption issues. ACCO had previously visited Ba'aquba in mid-January to participate in a PRT-supported conference on governance (ref a). Amidst the general nationwide improvement in security conditions, Diyala remains among the more volatile areas of Iraq. While Arab sunnis are reckoned to be in the majority, the province also contains large Arab shia and Kurdish minorities. Per ref b, the January 31 provincial council elections saw sunni parties claim a simple majority of the 29 seats, followed by kurdish and shia parties; the latter had previously been dominant in the council as a result of the sunni boycott of the 2005 council elections. As elsewhere, corruption is a major problem in the province. The Labor and Social Affairs Ministry's Inspector General (IG) recently announced the uncovering of a major corruption scheme in the Ministry's social welfare program for Diyala (ref c). Subsequent to the visit, the local media reported allegations by unnamed officials that up to 40 percent of GOI funds allocated for construction projects in Diyala during 2005-07 had been siphoned off through corruption and had been used, inter

alia, to support unspecified terrorist elements. (COMMENT: We are attempting to get further information on the reported use of the stolen funds by terrorists. END COMMENT)

#### MEETING WITH INCOMING PROVINCIAL COUNCIL MEMBERS

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13. (SBU) ACCO attended a PRT/USAID-organized workshop for the incoming provincial council members, giving a presentation on ways of combatting corruption at the provincial and local levels. In follow-up side meetings, various new council members asserted that reducing corruption would be among their priorities. In response to members' requests for assistance in developing their oversight capability vis-a-vis anti-corruption institutions (e.g., provincial branch offices Qanti-corruption institutions (e.g., provincial branch offices of the national Commission on Integrity (COI), Board of Supreme Audit (BSA), and Inspectors General (IG) corps), ACCO noted that its anti-corruption (AC) project being implemented through UNDP included such assistance. When a few council members stressed the need to investigate corruption by members of the outgoing council, ACCO noted the risk of politicizing the AC dossier through focussing only on alleged misdeeds by previous incumbents and urged them to make use of the established AC machinery, i.e.. COI, IG, and BSA while also working to strengthen their oversight capacity vis-a-vis these institutions.

14. (C) ACCO met separately with recently elected council member, Abdullah al Jabouri, a sunni who formerly served as governor and was rumored to be among leading candidates to succeed the outgoing governor, Ra'ad Al-Tamimi, a shia. He lamented what he saw as flourishing corruption in Diyala

BAGHDAD 00000967 002 OF 003

during the outgoing council's tenure and stated that the new members would give priority to combatting abuses -- and recovering funds previously siphoned off by corrupt officials. As an example of past corruption, he maintained that many citizens of Diyala who had fled to other areas of the country or abroad and were now returning were unable to benefit from GOI-mandated assistance as, he alleged, the bulk of the funds had simply been divided up among the province's outgoing governor and other political leaders. (COMMENT: In fact, there are persisting allegations of corruption surrounding Governor Al-Tamimi. END COMMENT)

#### AC INSTITUTIONS

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15. (C) ACCO's program featured meetings with provincial COI, BSA, and Interior Ministry IG reps. COI rep Mohamed Abas, who said he had arrived in Ba'aquba February 12 to set up the provincial COI office, portrayed himself as a newcomer who was still settling into his duties. He expressed concern that his staff of eleven persons was too small to adequately conduct investigations and said he would press COI headquarters in Baghdad for additional personnel as well as for a security detail for his and his staff's protection. Abas indicated that he had so far received good cooperation from the provincial authorities in pursuing corruption cases. He acknowledged the severity of the corruption problem in Diyala -- including the abuses in the social welfare program cited by the Labor and Social Affairs IG. However, the COI official declined to discuss details of cases being investigated by his office, saying the COI headquarters would provide this information.

16. (C) The BSA and MOI IG reps were similarly reluctant to provide specifics on the results of their respective audits and inspections. BSA rep Abdul Aziz said his office was divided into three teams that visited GOI provincial offices and GOI-funded project sites to conduct performance as well as financial audits. He explained that his office's reports were treated as confidential and submitted to BSA

headquarters in Baghdad as well as to the governor of Diyala.

Aziz claimed that, based on his office's audits, media reports of "ghost" projects in the province were exaggerated.

The MOI IG, LT COL Salim al-Bahadeli, asserted that his office was actively investigating corruption cases and, if warranted by the evidence, forwarding them directly to the judiciary -- bypassing the COI, mandated by law to serve as the country's principal investigating agency for corruption. Asked about reports of payment of bribes to obtain appointments as police officers and to obtain release of detainees, he claimed, unconvincingly, that his office had so far not found clear evidence of such bribery.

#### THE JUDICIARY

¶7. (C) ACCO called on the province's senior judicial official, Diyala appellate court chief justice Jado'a Jassim Muhammad. In familiar GOI terms, he described as "exaggerated" Transparency International's (TI) ranking of Iraq as tied for second with Myanmar as the world's most corrupt country, asserting that TI had failed to consider the progress achieved by the GOI in terms of laying the foundation for a national anti-corruption regime. He stated that the High Judicial Council in Baghdad had recently designated an investigative judge on his staff to focus specifically on corruption cases. Judge Jado'a pleaded ignorance when asked about the number and kinds of corruption cases being handled by the Diyala judiciary, but maintained that the overall level of corruption in the province was declining. (COMMENT: He gave no evidence to support his declining. (COMMENT: He gave no evidence to support his view, and we are skeptical about the accuracy of his assertion. END COMMENT) In response to query about the judiciary's plans to uphold the new Provincial Powers Law (PPL) -- including the requirement that provincial authorities promote transparency through establishment of an official gazette -- Judge Jado'a indicated that he was not familiar as yet with the Law's specific provisions. He added that he would rely on guidance from the High Judicial Council in deciding how to proceed regarding application of the PPL.

#### CIVIL SOCIETY

¶8. (SBU) ACCO met with a group of local NGO reps, led by Noor Foundation head Ahmed Jassim Mohammed, who described at length his and other NGO's AC efforts, ranging from public awareness campaigns to presentations on AC topics at gatherings of provincial officials. He observed that the perilous security conditions in the province were a major factor in the spread of corruption, as officials were reluctant to properly oversee government-funded projects or

BAGHDAD 00000967 003 OF 003

blow the whistle on those suspected of corruption out of fear for their safety. Ahmed went on to express optimism that the improved security atmosphere of late in Diyala would result in greater willingness by provincial officials to perform oversight functions. (COMMENT: Predictably, the anti-corruption officials cited above denied that security concerns had limited investigations by their offices. END COMMENT) Ahmed stated that the outgoing provincial council had authorized his NGO to attend council sessions and that he hoped to obtain authorization from the incoming council as well. As the meeting drew to a close, Ahmed urged USG support for efforts by provincial NGO's to strengthen their watchdog capacity vis-a-vis the provincial authorities; ACCO responded that we would consult with PRT Diyala on ways that we might be helpful.

#### COMMENT

¶9. (C) The incoming provincial council members that we met indicated sincere interest in combating corruption, but it

remains to be seen whether they will avoid overly focusing on alleged abuses by outgoing incumbents and instead look ahead to develop the council's oversight capability so as to limit future abuses. It also remains to be seen how actively the provincial COI rep will pursue corruption cases once he settles further into his job. The limited awareness of corruption issues displayed by Judge Jado'a was noteworthy; we surmise that his responsibilities are primarily administrative and that hence his knowledge of actual cases before the provincial judiciary is also limited. A highlight of the consultations was the meeting with the NGO reps; the Noor Foundation rep, in particular, impressed as an energetic advocate for anti-corruption efforts and good governance generally.

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